



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

R. Salkie

DATE: AUG 28 1995

SUBJECT: Request for Authorization to Conduct a CERCLA Removal Action at McNulty Trucking, Riverside, Burlington County, New Jersey - ACTION MEMORANDUM

FROM: Dilshad J. Perera, On-Scene Coordinator
Response and Prevention Branch

TO: Kathleen C. Callahan, Director
Emergency and Remedial Response Division

THRU: Richard C. Salkie, Associate Director for
Removal and Emergency Preparedness Programs

Site ID No.: GC

I. PURPOSE

The purpose of this action memorandum is to request and document approval of the proposed removal action to be conducted at the McNulty Trucking site, Lincoln and Pulaski, Riverside, Burlington County, New Jersey.

In a letter dated October 18, 1994, the New Jersey Department of Environmental Protection (NJDEP) requested the U.S. Environmental Protection Agency (EPA) to evaluate the site for potential cleanup under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, by 42 U.S.C. 9601 et. seq.

The proposed actions include stabilization, analyses, transport, disposal and or treatment of hazardous substances, pollutants and contaminants found at the site. The project ceiling requested is \$63,000, of which \$30,000 is for mitigation contracting.

This site is not on the National Priorities List (NPL) and there are no nationally significant or precedent setting issues associated with this site.

II. SITE CONDITIONS AND BACKGROUND

A. Site Description

1. Removal Site Evaluation

On March 31, 1995 an Expedited Site Assessment was conducted at McNulty Trucking, a bankrupt fuel delivery facility encompassing approximately 2 acres. The site consists of two buildings constructed of cinder blocks with wooden roofs and concrete flooring. The main building, approximately 60 feet by 30 feet, functioned as a maintenance garage and office space. The second building, approximately 20 feet by 20 feet, functioned as a pump house. The two buildings appear to be structurally sound and in good condition; however, both have been boarded up as a result of children vandalizing the facility.

In addition to the buildings, there are two 20,000 gallon vertical fuel storage tanks and a fuel loading rack. The tanks have been drained, however, due to the elevation of the drain pipe, approximately 1,500 gallons of fuel oil/water mixture is still present. The bottom rungs of the tank's ladders had been cut by the township to prevent children from scaling the tank. The loading rack is in a state of disrepair.

The facility is serviced by public sewerage. There are no on-site storm drains, the nearest one is approximately 500 feet off-site. The confluence of the Rancocus Creek and the Delaware River is within 1,300 feet.

There are five homes and a warehouse immediately around the facility.

Two containers of acid, combined volume estimated at 15 gallons, are inside the garage/office building. These two drums are labeled as a ready to use cleaner containing hydrofluoric acid. Field testing indicated the pH to be less than 1.

Also, inside the garage/office building are numerous rusted cans containing what appears to be paint and paint thinners, and several drums of motor oil. The majority of the drums are missing their bungs. Paper and debris are strewn throughout the interior.

The pump-house has seven gas cylinders. The cylinders include "oxidizer", presumably oxygen, acetylene and nitrogen. The remaining are labeled non-flammable gas.

2. Physical Location

The site is surrounded by residential homes. There is also a warehouse adjacent to the property. The site is within 1,300 feet of the confluence of Rançocus Creek and the Delaware River.

3. Site Characteristics

The site is an inactive fuel delivery facility. The owner of the site has been declared bankrupt under Chapter 7 of the United States Bankruptcy Code.

4. Release or Threatened Release Into the Environment of a Hazardous Substance, or Pollutant or Contaminant

The acid poses a threat to individuals coming into direct contact with it. It has not been conclusively determined that the acid is hydrofluoric acid. However, based on the labeling and lack of any other acidic material being present, it is believed that the cleaner is of low concentration hydrofluoric acid. Acute exposure to acids, particularly strong acids such as hydrofluoric acid, leads to the oxidation of tissue, whether it be skin tissue as a result of dermal exposure or respiratory tract tissue as a result of inhalation.

The statutory source for CERCLA designating hydrofluoric acid as a hazardous substance is the Clean Water Act Section 311(b)(2)(A). The Resource Conservation and Recovery Act of 1976 also lists hydrofluoric acid as a toxic waste when it is discarded or intended to be discarded.

There are numerous rusty cans which appear to contain paint and paint thinners. The paint and paint thinners present a risk of exposure should the cans be tampered with.

The pump-house contains several oxygen and acetylene gas cylinders which can be easily tampered with resulting in a release and potential fire threat.

5. National Priorities List Status

The site is currently not listed on the NPL.

B. Other Actions to Date

1. Previous Actions

No EPA actions have taken place at the site except for a preliminary site investigation.

2. Current Actions

There are no other current actions to dispose of the hazardous waste on-site.

C. State and Local Authorities' Roles

1. State and Local Actions to Date

Building has been secured by the township. In August of 1994, NJDEP issued a Directive requiring the property owner to undertake a cleanup of the facility; however, the owner has not complied with the Directive.

2. Potential for Continued State/Local Response

NJDEP and the local government have indicated they will not be able to undertake the necessary removal action at the site. It is anticipated that these organizations will act in a supporting role throughout the federal removal action.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

A. Threats To Public Health or Welfare

The threats posed by this site to the public will solely be from direct contact by trespassers, in this regard, the acid poses the most serious threat. Field testing indicated the pH to be less than one. Based on the quantity of acid present on site, the threat posed to the public is that of an acute exposure, chemical burn, as opposed to a chronic exposure threat.

Flammable gas cylinders were identified as being present on site. These cylinders can be vandalized resulting in fire and potential threat to the public. There is documented evidence of vandalism at the property.

The paint and paint thinners present a risk of exposure should the rusty cans be tampered with.

B. Threats to the Environment

Due to the limited quantity of hazardous substances, pollutants and contaminants at this site, it is unlikely that an imminent and substantial threat is posed to the environment.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances, pollutants and contaminants from this site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed Action Description

Proposed action will be to conduct sampling and analyses on all material found on site and the subsequent transportation and disposal, treatment when applicable, of all hazardous substances, pollutants and contaminants.

2. Contribution to Remedial Performance

This removal action will completely remediate this site and as such, no long term remedial measures will be required.

3. Applicable or Relevant and Appropriate Requirements (ARARs)

ARARs within the scope of this removal, including RCRA and CERCLA regulations that pertain to the disposal of hazardous substances, pollutants and contaminants, will be met to the extent practicable.

4. Project Schedule

Upon approval of this action memorandum and the gaining of access from the site owner, it is anticipated that a removal action will be initiated within two weeks. The disposal of the hazardous substances, pollutants and contaminants will be initiated shortly thereafter.

B. Estimated Costs

Extramural Costs

Regional Allowance Costs: \$ 30,000
(Total Clean-up
contractor Costs
include labor, equipment,
materials, and laboratory
disposal analyses)

Other Extramural Costs not Funded From the Regional Allowance:

Total; TAT, including \$ 10,000
multiplier costs

Subtotal, extramural \$ 40,000
costs

Extramural Costs \$ 8,000
Contingency (20% of
subtotal, extramural Costs)

TOTAL, EXTRAMURAL COSTS \$ 48,000
(rounded to nearest \$1,000)

Intramural Costs:

Intramural Direct Costs \$ 5,000

Intramural Indirect \$ 10,000
Costs

TOTAL, INTRAMURAL COSTS \$ 15,000

TOTAL, REMOVAL
PROJECT CEILING \$ 63,000

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR
NOT TAKEN

Delayed action or no action could result in exposure of individuals by direct contact as a result of largely unrestricted access. Furthermore, acts of vandalism at the site could result in a fire which could potentially expose the nearby residents.

VII. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues associated with this site.

VIII. ENFORCEMENT

The site owner is in bankruptcy and his attorney has indicated that the site owner is financially unable to conduct the removal action. Should EPA become aware of any viable responsible parties, appropriate cost recovery action may be initiated.

IX. RECOMMENDATION

This decision document represents the selected Removal Action at McNulty Trucking site, Riverside, Burlington County, New Jersey. This document was developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the Administrative Record for the site. Conditions at the site meet the criteria for a removal action pursuant to Section 300.415(b)(2) of the NCP. The total project ceiling is \$63,000, of which \$30,000 will be for mitigation contracting.

Please indicate your approval of this funding for the McNulty Trucking site as per current Delegation of Authority by signing below.

Approval: K. Callahan Date: 8/28/95
Kathleen C. Callahan, Director
Emergency and Remedial Response Division

Disapproval: _____ Date: _____
Kathleen C. Callahan, Director
Emergency and Remedial Response Division

cc: (after approval is obtained)

W. Muszynski, 2DRA
K. Callahan, 2ERRD
G. Pavlou, 2ERRD
R. Salkie, 2ERR-ADREPP
B. Sprague, 2ERR-RPB
J. Daloia, 2ERR-RPB-B
G. Zachos, 2ERR-RAB
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